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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,301	09/03/2003	Steven J. Ross	GP-303673/GP-303674 (2760)	4415
7590 CARDINAL LAW GROUP Suite 2000 1603 Orrington Avenue Evanston, IL 60201			EXAMINER NGUYEN, THU V	
			ART UNIT 3661	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/654,301

Applicant(s)

ROSS ET AL.

Examiner

Thu Nguyen

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,7,11,12,14,16,17 and 21 is/are rejected.
- 7) ☒ Claim(s) 3,5,8-10,13,15 and 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4, 6, 11-12, 14, 16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knobl et al (US 7,039,708) in view of Yassin et al (US 6,505,780).

As per claim 1, Knobl discloses a method for providing vehicle settings to a telematics unit 40 (fig.1) in a mobile vehicle (col.8, lines 30-43). Knobl does not explicitly disclose receiving a vehicle settings update signal at a call center from the telematics unit and sending vehicle settings from the call center to the telematics unit responsive to the update signal. However, Knobl teaches the capability of providing vehicle settings from a call center 30 (fig.1) to the telematics 40 (fig.1) (col.5, lines 27-36; col.8, lines 30-44) including providing updated setting (the next user's settings) to the telematics (col.8, lines 30-44). Moreover, Yassin suggests receiving a vehicle settings update signal (the driver ID sent from the vehicle) at a call center (col.5, lines 43-46, lines 50-53); and sending vehicle settings from the call center to the vehicle responsive to the update signal (col.5, lines 50-53; col.7, lines 9-21). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the step for providing the vehicle settings upon receiving the request (represented by the ID sent from the

vehicle) as taught by Yassin to the method taught by Knobl in order to save the system bandwidth by providing vehicle settings only upon request.

As per claim 2, Yassin teaches implementing the vehicle settings in the mobile vehicle (col.6, lines 60-64).

As per claim 4, Knobl teaches receiving a user preference at a call center via a web portal interface prior to the call center sending the user preference to the telemetric unit (col.8, lines 30-43).

As per claim 6, Since Knobl teaches a telematic unit that is capable of accepting applets and performing communication with the server (col.7, lines 41-49), Knobl obviously encompasses teaching an active telematics.

As per claim 11-12, 14, 16, and 21, refer to claims 1-2, 4, 6 above.

3. Claims 7, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knobl et al (US 7,039,708) in view of Yassin et al (US 6,505,780) further in view of Mocek et al (US 2003/0182360).

As per claim 7, 17, Mocek teaches storing the vehicle settings when the telematics unit is negative and transmitting the vehicle settings to the telematics unit when the download status of

the telematics unit is positive (para 0035-0036). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include transmitting the download status when the telematics unit and associated components is positive in the method taught by Knobl in order to ensure that the updated information is received by the telematics unit.

Allowable Subject Matter

4. Claims 3, 5, 8-10, 13, 15, 18-20, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record do not disclose a method disclosed in claim 1 in combination with claim 3 or 4-5 or 8 or 10 in which the call center sends an update flag signal from the call center to the telematics unit prior to the telematics unit sending a vehicle settings update signal to the call center as taught in claim 3 or 5. Also, prior arts of record does not disclose determining download status of the telematics unit and associated components based on the download reply from the telematics unit which transmits the download reply in response to the download requirement transmitted to the telematics unit as taught in claim 8; Moreover, prior arts of record do not disclose determining store status for the vehicle settings when the download status of the telematics unit and associated components is negative, and either storing or deleting the vehicle

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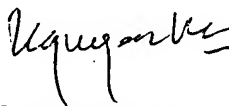
settings according to the positive or negative store status as taught in claim 10. Claims 13, 14-15, 18 or 20 disclose similar method to be implemented in a computer readable medium.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 5, 2007


THU V. NGUYEN
PRIMARY EXAMINER